Court No.3

Criminal Revision No. 56/2003

Take Chand Advani ……. Revisionist.

Versus

State and others ……. Respondent.s

Hon'ble Irshad Hussain, J.

This is a criminal revision against the order dated 18-4-2003 passed by the Principal Judge Family Court Dehradun whereby the wife respondent No.2 was awarded interim maintenance at the rate of Rs.3000/- per month.

Heard the learned counsel for the revisionist and the learned counsels for the opposite party-respondent No.2.

The petitioner has challenged the grant of interim maintenance in view of the allegation that the decree of divorce was passed in favour of the petitioner-husband. The respondent No.2 has not remarried and by virtue of provisions of section 125 Code of Criminal Procedure she is entitled to claim interim maintenance if she is unable to maintain herself. The interim maintenance was granted and the application shall be decided finally considering the respective contentions of the parties as well as the capacity of the petitioner-husband to pay the maintenance. At present it is not disputed that the petitioner has monthly salary of Rs. 10,000/- and considering the fact that the respondent wife has no source of income for her livelihood the grant of Rs. 3000/- per month as interim maintenance does not appear to be on the higher side.

Considering the quantum of the interim maintenance and the same being as interim measure there is no cogent ground for interference in the discretion properly exercised by the Principal Judge Family Court.

The revision has no force and is dismissed.

(Irshad Hussain, J.)

Dated 1-9-2003

ISB